

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROBERT WILlich	§	
v.	§	CIVIL ACTION NO. 6:08cv244
RONNIE BROWNLOW, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
ON PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

The Plaintiff Robert Willich, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. The lawsuit was originally referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The parties have since consented to allow the undersigned Magistrate Judge to enter final judgment in the proceeding, and the lawsuit has been transferred to the docket of the undersigned Magistrate Judge for entry of final judgment in accordance with the consent of the parties. 28 U.S.C. §636(c).

The undersigned Magistrate Judge has issued a Report recommending that the Plaintiff's motion for a default judgment and motion for a declaration for an entry of default be denied. The Report noted that the Defendants' answer had been filed on July 8, 2008, and that Willich's motions concerning a default judgment were filed on July 30, 2008. Hence, the Court recommended that the request for a default judgment should be denied.

Willich filed objections to the Report saying that he has never received a copy of the answer, but noting that he had sent a copy of his objections to Christ Kennedy, counsel for the Defendants. These objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED for all purposes as the opinion of the Court. It is further

ORDERED that the Plaintiff's motions for a default judgment (docket no. 24) and motion for a declaration for an entry of a default judgment (docket no. 25) are hereby DENIED.

So ORDERED and SIGNED this 27th day of January, 2009.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE